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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/885,471	06/20/2001	Sang-Wook Cheong	5-1	3875
75	590 06/23/2003			
Docket Administrator (Room 3J-219) Lucent Technologies Inc. 101 Crawfords Corner Road			EXAMINER	
			FULLER, ERIC B	
Holmdel, NY	07733		ART UNIT	PAPER NUMBER
			1762	
			DATE MAILED: 06/23/2003	· M

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)	X	
	09/885,471	CHEONG ET AL.		
Office Action Summary	Examiner	Art Unit	•	
4 .	Eric B Fuller	1762		
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence add	dress	
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, - Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b). Status	86(a). In no event, however, may a reply be time within the statutory minimum of thirty (30) days rill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	nely filed s will be considered timely the mailing date of this co D (35 U.S.C. § 133).	mmunicatio	n.
1)⊠ Responsive to communication(s) filed on <u>29 A</u>	pril 2003			
· · · · · · · · · · · · · · · · · · ·	s action is non-final.			
3) Since this application is in condition for allowa	nce except for formal matters, pr		e merits	is
closed in accordance with the practice under <i>E</i> Disposition of Claims	=x parte Quayle, 1935 C.D. 11, 4	53 O.G. 213.		
4)⊠ Claim(s) <u>8-15</u> is/are pending in the application.				
4a) Of the above claim(s) is/are withdraw	vn from consideration.			
5) Claim(s) is/are allowed.				
6)⊠ Claim(s) <u>8-15</u> is/are rejected.				
7) Claim(s) is/are objected to.				
8) Claim(s) are subject to restriction and/or	election requirement.			
Application Papers				
9)☐ The specification is objected to by the Examiner	•			
10) The drawing(s) filed on is/are: a) □ accep	ted or b)⊡ objected to by the Exar	miner.		
Applicant may not request that any objection to the		• • •		
11) The proposed drawing correction filed on	is: a) ☐ approved b) ☐ disappro	ved by the Examine	r.	
If approved, corrected drawings are required in rep				
12) The oath or declaration is objected to by the Exa	aminer.			
Priority under 35 U.S.C. §§ 119 and 120				
13) Acknowledgment is made of a claim for foreign	priority under 35 U.S.C. § 119(a))-(d) or (f).		
a) ☐ All b) ☐ Some * c) ☐ None of:				
Certified copies of the priority documents				
2. Certified copies of the priority documents				
 3. Copies of the certified copies of the priori application from the International Burn * See the attached detailed Office action for a list of 	eau (PCT Rule 17.2(a)).		Stage	
14) Acknowledgment is made of a claim for domestic	priority under 35 U.S.C. § 119(e) (to a provisional	applicati	on).
a) ☐ The translation of the foreign language prov 15)☐ Acknowledgment is made of a claim for domestic				
Attachment(s)	- 7			
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)	5) Notice of Informal P	(PTO-413) Paper No(s atent Application (PTO		
Patent and Trademark Office				

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DETAILED ACTION

Request for Continued Examination

The request filed on April 29, 2002 for Continued Examination (RCE) under 37 CFR 1.114 based on parent Application No. 09/885,471 is acceptable and an RCE has been established. An action on the RCE follows.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 8-11, and 13-15 are rejected under 35 U.S.C. 102(a) as being anticipated by Brinkman et al.

Brinkman teaches pulsed laser deposition of a solid target that comprises magnesium diboride powder that has been sintered into a solid pellet (paragraph bridging pages 1 and 2). A pulsed laser is used to eject magnesium diboride from this a layer of magnesium diboride is grown on the surface of a substrate (page 2, 3rd paragraph). The chamber pressure and layer thickness are within the applicant's claimed ranges (2nd page, 4th paragraph). It is the position of the examiner that as the same deposition steps are used in the claimed invention and the reference, the lattice

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constants being matched (applicant's claim 9) is inherent to the process taught by the reference.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brinkman et al., as applied to claim 8 above, and further in view of Koura (US 4,975,417).

Brinkman teaches the limitations of claim 1, but fails to explicitly teach using substrates besides silicon. However, Koura teaches that silica is commonly used as the substrate on which a superconductor is formed (column 2, lines 50-55). Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to utilize a silica substrate in the process taught by Brinkman, as Koura teaches that silica is commonly used as a substrate for superconductors and Brinkman teaches the deposited film is used as a superconductor.

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric B Fuller whose telephone number is (703) 308-6544. The examiner can normally be reached on Mondays through Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shrive Beck, can be reached at (703) 308-2333. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

EBF

June 17, 2003

SHRIVE P. BECK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700